UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.366
1 May 1998

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighteenth session

SUMMARY RECORD OF THE 366th MEETING

Held at Headquarters, New York,
on Thursday, 22 January 1998, at 3 p.m.

Chairperson: Ms. KHAN

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Zimbabwe (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, 2 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

98-80094 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Zimbabwe (continued) (CEDAW/C/ZWE/1)

1. At the invitation of the Chairperson, Ms. Lesabe and Mr. Zamchiya (Zimbabwe) took places at the Committee table.

Article 5

2. Ms. FERRER said that the initial report had described frankly the social and cultural patterns, including stereotyping in the mass media, that stood in the way of achieving equality for women in Zimbabwe, as well as the kind of efforts that would be needed on the part of the Government, non-governmental organizations and the media to overcome that situation. She would like to know whether any specific programme of action existed to guide those efforts.

Article 6

3. Ms. JAVATE DE DIOS said that more data were needed in order to assess the real situation with regard to the prostitution and exploitation of women. The report described the laws on prostitution in Zimbabwe as prohibitionist, but it appeared that only women involved in prostitution were penalized, while their male clients were not.

4. Information received from non-governmental organizations indicated that the Miscellaneous Offences Act was enforced in such a way that any unaccompanied woman in a public place ran the risk of being arrested and charged on a mere presumption of loitering for the purpose of prostitution. That was a potentially dangerous and oppressive situation for women's rights. She would like to see more data on the number of arrests for prostitution. It would also be interesting to know whether there were any intervention programmes to provide prostitutes with an alternative livelihood, and whether any efforts were being made to change male behaviour.

5. Ms. BUSTELO GARCIA DEL REAL noted that the report, with commendable frankness, acknowledged that total elimination of the prostitution of women would necessitate a long-term structural change in the social and economic conditions under which men and women lived in Zimbabwe. Since, under the Convention, national legislation was required to be as effective as possible, it would be helpful to see the text of the legislation in that area. Such legislation should also be non-discriminatory and protect the fundamental rights of prostitutes, but if it made prostitution a crime only for the woman, it could clearly be considered discriminatory. She asked whether, in fact, both prostitutes and their clients were subject to arrest and punishment and, if so, what penalties were imposed. She would also like to know whether a prostitute could file a complaint of rape, both in law and in practice, and whether prostitutes had equal access to health services, including education on and means of prevention of sexually transmitted diseases.

6. Illegal immigrants were often victims of traffic in persons; she asked whether there were any specific laws which protected them and allowed them to testify against traffickers, or whether they were subject to deportation.

7. Lastly, she asked whether the national machinery for women included any measures to meet the needs of prostitutes and provide protection for their basic rights.

Article 7

8. Ms. CORTI said that, although there might be no legal barriers to women's participation in public life, the report enumerated many de facto barriers. In the light of the statement that women had more confidence in male than in female politicians, it might be interesting to study their level of satisfaction with political life in Zimbabwe. The national machinery and the President of the Republic himself, had made commendable efforts to encourage women's political participation, but she would like more specific information on what the political parties had done in that area. She would also like to know whether there was any difference in the status of women Members of Parliament who had been appointed by the President and those who had been elected. Lastly, she would like to know more about the position of women in trade unions.

Article 9

9. Ms. CORTI said that, in her view, the Citizenship Act was not consistent with article 9 of the Convention, since it clearly favoured the rights of men over women; she enquired whether any proposals had been made to amend it.

10. Ms. RYEL asked whether, in Zimbabwe, a mother could transmit her nationality to her children regardless of whether or not she was married to their father, and whether both parents received equal treatment in that respect.

Article 10

11. Ms. Yung Chung KIM said that she was concerned at the continued restrictions on girls' access to education, which lay at the root of their lifelong situation of inferiority. She would like to know whether the measures described in the report to keep girls in school had been implemented, and if so, whether they had been successful. It would be useful to have statistics on the number of girls who had taken advantage of the chance to continue their education after pregnancy, and on the amount of financial assistance or subsidies which they had received.

12. It was commendable that the Ministry of Education had devised a curriculum for human rights education; however, that curriculum must also include gender equality and sex education. She would like to know whether any women's studies programmes were available at the university level.

13. Ms. CORTI enquired whether the private religious schools mentioned in the report were financed by religious groups or the State, and whether any efforts would be made to eliminate educational stratification by income level.

14. Ms. OUEDRAOGO, noting the persistent problems of education in all developing countries, said that States nevertheless had to strive to come up with appropriate solutions to issues such as the high drop-out rate for girls. She asked whether the Government of Zimbabwe had any specific programmes in that regard. A highly successful programme had been carried out in her own country, Burkina Faso, for girls between the ages of 11 and 18 who had dropped out of school. The girls had been given marketable skills and had gained a proper grasp of such areas as agriculture, various trades and cooperatives. Moreover, their educational level had been enhanced and they had acquired a knowledge of family planning that would go a long way towards addressing the problems of unwanted pregnancies, abortions and abandoned children.

15. Structural adjustment programmes had a particularly adverse impact on education, a sector which remained Africa's greatest hope. Such programmes restricted educational opportunities for girls, since parents with limited resources often tended to give priority to the education of boys. Given such problems, developing countries needed to devise comprehensive solutions and to implement some kind of affirmative action to promote education for women. She asked whether the wearing of school uniforms was compulsory throughout Zimbabwe, including in rural areas. Her Government had discontinued the wearing of school uniforms in rural areas because poorer rural families with many children could not afford to pay for them. Indeed, school uniform could have the unintended effect of heightening social discrimination. She would welcome the views of the representatives of Zimbabwe on the issue. She applauded the introduction of human rights courses in schools, which she believed might eventually help to change young people's attitudes and reduce the level of violence against women.

16. Ms. JAVATE DE DIOS said that Zimbabwe's next periodic report should contain quantifiable indicators on the drop-out rate for girls and on measures taken to remedy that situation. She asked whether pregnant girls who were allowed to continue their studies were harassed or stigmatized in any way, and whether the Government had supportive programmes for girls who had given birth. It was also important to train teachers in gender equality and non-discrimination.

Article 11

17. Ms. CORTI said that there seemed to be de facto employment segregation in Zimbabwe. There was a tendency not only to perpetuate women's role as mothers and caregivers, but also to push them into lower-income jobs; even the report stated that the needs of domestic employees were often ignored. In that regard, given the very large number of domestic employees in a country with low income levels, she wished to know how much such workers were paid, how many hours they worked and whether they were able to take leave without losing their jobs. Had the Government received any complaints about violations of labour laws in that regard? Were there any trade unions in that sector, and how many women members did they have? She asked whether part-time workers were covered by the social security scheme. How far had the Government gone in harmonizing its labour laws? Given the importance of employment as a fundamental human right, there seemed to be no provision under Zimbabwean law for the protection of women workers. How did the Government envisage changing that situation?

Article 11

18. Ms. ABAKA commended the Government for adopting the primary health care approach. Noting that, under health policy, rural clinics and health centres were supposed to provide services free of charge, she asked whether that policy was being monitored and evaluated to ensure that it was being properly implemented. Was the urban poor population also entitled to similar benefits? She had the impression that health policy focused exclusively on services and treatment and did not address social and environmental factors. The report mentioned malnutrition and malignancies as being among the most common causes of morbidity in Zimbabwe. If such malignancies included breast tumours, could early detection measures be undertaken? What proportion of the village community health workers were women?

19. It was vital for the Committee to have information on Zimbabwe's economic growth. The report also did not contain any information on cooperation with non-governmental organizations in the area of the reproductive and sexual health needs of adolescents and women, although there were many dynamic non-governmental organizations operating in Zimbabwe. In what areas was the Government working with non-governmental organizations? Zimbabwe's rather unscientific methods of reporting on maternal mortality did not facilitate identification of the various causes of such mortality. Planning for safe motherhood required the compilation of detailed statistics on the actual causes of maternal mortality.

20. Ms. SHALEV congratulated the Government on the political will which it had shown in providing for the health care of its population. Zimbabwe's health care system was facing a serious challenge in the form of the HIV/AIDS pandemic, however. The report did not provide much information on the factors that were impeding implementation of the Government's policies for combatting that pandemic, particularly the financial constraints. The report indicated that women in the 15 to 19 and 20 to 29 age groups accounted for 84 per cent and 55 per cent, respectively, of all AIDS cases in those groups. According to information from non-governmental sources, 25 per cent of pregnant women attending prenatal clinics had been found to be HIV-positive. It was therefore likely that a significant percentage of children born in Zimbabwe would be born with the infection or would contract it through breastfeeding. Women were clearly very central to the health of Zimbabwe's population and it was therefore crucial to educate them about HIV/AIDS. She would appreciate information on the kinds of national programmes and resources being allocated for that purpose. Were such programmes a priority for the Government? She would also appreciate any information on models of home-based care for people with HIV/AIDS. What was being done to reduce the stigma of HIV/AIDS so that people would not deny that they had it?

21. With regard to the national family planning programme, she asked whether contraception was still being subsidized or provided free of charge to poor women, despite economic constraints. Non-governmental organizations had reported that the rate of teenage pregnancy in Zimbabwe was quite high; she requested data on that subject. Non-governmental organizations had also reported that, although contraceptives were generally available, health professionals in family planning clinics, both public and private, sometimes

denied contraception to young women; the report, too, indicated that it was not unusual for health personnel to turn away schoolgirls requesting contraceptives. She asked whether the Government had taken any steps in that regard. Had it considered the possibility of providing human rights education for health care professionals, so that they would be sensitized to the sexual and reproductive health rights of young women? She requested information on the extent and outreach of the health education programmes carried out in schools.

22. With regard to abortion, she asked whether women who underwent illegal abortions were actually prosecuted under the Termination of Pregnancy Act. Since women were resorting to abortion despite the provisions of the Act, she wondered whether the Government planned to review the appropriateness of the existing law. It had been reported that, in the case of a woman who had become pregnant as a result of rape, the criminal prosecution had taken so long that, by the time rape was established, the women had already given birth; that was a tragic and cruel situation. Such incidents suggested that the Government should liberalize the law and remove the penalties on women who underwent abortions.

Article 14

23. Ms. OUEDRAOGO said that one of the most important aspects of article 14 was the participation of women in the elaboration and implementation of development planning; the report provided information about various development activities and programmes, but gave no indication of the level of women's involvement in them. It was very important for women to have access to credit, if possible through a special bank for women, so that they could undertake income-generating activities.

24. She asked whether any survey had been carried out to determine whether female circumcision, including hidden forms of that practice, was being performed in rural areas, since traditions were often deep-rooted in the countryside. Archaic methods of female circumcision could lead to the rapid spread of HIV/AIDS.

25. Polygamy and domestic violence were much more common in rural than in urban areas; women must be alerted to the need to report such problems. She asked whether the Government was providing any kind of education for family life in rural areas, in order to ensure better protection of the rights of women, avoid situations of inferiority and prepare young people for the responsibilities of marriage.

26. One of the major problems faced by African women, especially in black Africa, was lack of free time because of long hours of work. The burden of household and field tasks undermined women's health and left no time for income-generating activities; she wished to know whether the Government had instituted any policies to alleviate that burden. Burkina Faso had achieved great success in that area through the introduction of new technologies and techniques. Under the traditional division of labour, the care of children and old people was entrusted to women; with rising life expectancy, the work which that entailed for women would increase. She asked whether the Government was conducting awareness and information campaigns about the equitable sharing of

domestic tasks and responsibilities; such campaigns had been very successful in Burkina Faso.

Article 15

27. Ms. HARTONO asked whether married women could sue and be sued in their own right, or whether they had to be assisted by their husbands or other male family members. Following the amendment of the Deeds Registries Act in 1991, were women actually able to own property in their own right? If women were still expected to pay for legal representation, difficulties could arise.

28. The free legal advice centre run by the Law Society of Zimbabwe was of limited value if it merely provided advice and assisted in the drafting of legal documents. She asked why the Law Society had no department to assist women, particularly poor women, in going to court. Was it possible for a woman to go to the Legal Aid and Law Promotion Section of the Ministry of Justice, Legal and Parliamentary Affairs without the knowledge or assistance of her husband, father or brother, particularly since she might have a complaint against a family member? It needed to be determined whether, in practice, women had the same rights as men.

29. The same considerations applied to land ownership, which was very important in terms of giving women control over their lives and property. Since it was reported that rural women did not have much access to and control over land, she asked what measures were being taken to improve the situation.

Article 16

30. Ms. HARTONO said that there appeared to be an old custom that widows were expected to marry a member of their dead husband's family or stay within that family; that practice was contrary to the Convention. As in other countries, if laws were in place but society did not change, the situation of women would remain the same or deteriorate further. She asked what was being done to promote social change in Zimbabwe.

31. Since many common law marriages were not registered, women and children were not protected by the relevant laws. What measures were being taken to remedy that situation?

32. Ms. BERNARD said that, according to the report, a victim of domestic violence could apply to a court for a peace order. Since there appeared to be no formal domestic violence act, under what law could a peace order be obtained? Had the Government considered drafting legislation that dealt exclusively with domestic violence and consolidated existing laws in that regard? The difficulty of assessing the incidence of domestic violence was common to every country. Had there been any attempt to consider the extent of the problem and to keep statistics? Were there any refuges or shelters for women who were physically abused by their husbands?

33. Ms. Lesabe and Mr. Zamchiya (Zimbabwe) withdrew.

Report of the pre-session working group (CEDAW/C/1998/1/CRP.1 and Adds.1-4)

34. Ms. CORTI, speaking as chairperson of the pre-session working group, said that, for the first time, the working group had invited representatives of specialized agencies and international and national non-governmental organizations to provide it with information on the States parties under review. As a result, it had gained valuable additional information. The working group suggested that that practice should be continued at future sessions.

35. The working group had produced a brief overview of the situation of women in the four countries concerned. It had noted that the reports in question suggested that women continued to face persistent discrimination and difficulties in the context of employment, which was becoming increasingly precarious. Few gains had been made where women's representation in decision-making was concerned, while forms of violence against women and sexual exploitation were growing problems, with countries failing to introduce energetic preventive measures in that context. The working group had been of the view that trafficking in women had escalated, in part as a result of the growing influence of globalization and the emergence of more flexible borders. Factors including structural adjustment policies, privatization and economic crises had contributed to the growing phenomenon of feminization of poverty and the difficulties faced by poor women in gaining access to elementary social rights, including health and education. The working group had also noted the prevalence of cultural values that impeded the implementation of the Convention and the growing use of religions and traditions as excuses to impede measures designed to advance the status of women.

36. Ms. BUSTELO GARCIA DEL REAL said that it should be noted in the Committee's report that the pre-session working group's initiative of inviting non-governmental organizations and specialized agencies to provide information on the reports to be taken up had been considered a positive initiative which should be followed at future sessions.

37. The CHAIRPERSON said she took it that the Committee wished to adopt the report of the pre-session working group (CEDAW/C/1998/1/CRP.1 and Adds.1-4).

38. It was so decided.

The meeting rose at 5 p.m.